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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/339,265	06/23/1999	VICTOR LORTZ	42390.P5671	2384

8791 7590 08/12/2003

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

12

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/339,265

Examiner

Saleh Najjar

Applicant(s)

LORTZ, VICTOR

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. This action is responsive to the amendment filed on May 21, 2003. Claims 1, 20, 23, 25, 31, 54, and 63 were amended. Claims 1-68 are pending.
2. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-68 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of "retrieving replacement based at least in part on determined replacement dependency" in claims 1-68 could not be found in the specification.

Claims 1-68 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 7-12, and 18-23, 25-27, 31-35, 43-47, 52-55, 57-58, 62-65, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski, U.S. Patent No. 6,064,979.

Perkowski teaches the invention substantially as claimed including a method and system for finding and serving consumer product related information over the Internet using manufacturer identification numbers (see abstract).

As to claim 1, Perkowski teaches method for determining product servicing related information by an end user, comprising:

obtaining an associated identifier of a first part (product) (see col. 3, line 60-col. 4, line 20, Perkowski discloses that product number information such as UPN is obtained by the user and used to access product related information);

automatically coupling by the scanner interface the identifier of the first part (product) to a network enabled browser (see col. 5, lines 20-25, Perkowski teaches that a product number can be scanned using a barcode scanner by the user to obtain product related information);

automatically retrieving by the browser from a remote database product servicing related information for the first part (product), determining a replacement dependency between the first part and the second part which should be replaced along with the first part; automatically retrieving by the browser from the remote database, based at least in part on the determined replacement dependency replacement related information for the second part (related products) (see col. 19, lines 1-65; col. 22, lines 5-10, Perkowski discloses that a user is allowed to enter the UPN using a scanner and a browser to enter into the product information finding system where a user can retrieve URLs representing products or services that affect the product operation description, maintenance, product updates, purchase information , product specifications related products that effect the servicing or repair of the product); and

automatically displaying by the browser for the end user the retrieved replacement related information forth a part (see figs. 1-6; col. 5-6, Perkowski teaches that a product number can be scanned using a barcode scanner by the user to obtain product service and general information for maintenance etc.).

Perkowski fails to teach the claimed limitation of "dependency checking to find a second part that should be replaced along with the first part". Perkowski discloses that a user is allowed to enter the UPN using a scanner and a browser to enter into the product information finding system where a user can retrieve URLs representing products or services that affect the product operation description, maintenance, product updates, purchase information , product specifications related products that effect the

servicing or repair of the product (see col. 11, lines 50-56; col. 19, lines 1-65; col. 22, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perkowski by specifying the dependency checking since the same functionality is achieved.

As to claim 2, Perkowski teaches the method of claim 1 above, wherein the identifier of the first part (product) is selected one of a UPC identifier, product-identifier mark, and textual product identifier (see col. 6-8).

As to claim 7, Perkowski teaches the method of claim 1 above, in which the network connection is a link with the Internet, the method further comprising:

providing the associated identifier in a predetermined format, such format being a selected one of a bar-code format, a product-identifier mark, and a verbal identifier; wherein a portable bar-code scanner is utilized to obtain the associated identifier (see col. 12).

As to claim 8, Perkowski teaches the method of claim 1 above, the method further comprising: contacting a cross-reference hub; searching the cross-reference hub with the associated identifier to obtain at least one additional product identifier; and automatically searching the remote database with the at least one additional product identifier to retrieve product maintenance related information for the first part (see figs. 1-2; col. 6-8).

As to claim 9, Perkowski teaches the method of claim 8 above, wherein the associated identifier is a non-unique product category reference, and the at least one additional product identifier is partially unique (see col. 8-12).

As to claim 10, Perkowski teaches the method of claim 8 above, further comprising:

semantically analyzing the retrieved product maintenance related information; and reorganizing the retrieved replacement related information according such analysis (see fig. 1A; col. 6).

Claim 11 does not teach or define any new limitation above claim 1 above and therefore is rejected for similar reasons.

As to claim 12, Perkowski teaches the method of claim 1 above, in which the maintenance related information includes related part (related product) data identifying the (related products)(see col. 11, lines 50-56; col. 19, lines 1-65; col. 22, lines 5-10, Perkowski discloses that a user is allowed to enter the UPN using a scanner and a browser to enter into the product information finding system where a user can find related products, operation description, product service or maintenance, product updates, purchase information , product specifications related products that effect the servicing or repair of the product).

As to claim 18, Perkowski teaches the method of claim 1 above, further comprising:

retrieving from the remote database product maintenance related concerns, such concerns including warning and suggestions for a user seeking to maintain the part; retrieving from the remote database identification of related parts (related products) requiring replacement along with the first part; displaying the maintenance related concerns top the user; and notifying the user of the related parts requiring maintenance (see 10-12 and 19, Perkowski teaches that product related information such as maintenance information, update information , distributor information and related product updates are displayed to the user).

Claims 19-23 do not teach or define any new limitations above claims 1-2, 7-12, and 18 and therefore are rejected for similar reasons.

As to claim 25, Perkowski teaches a method for determining part replacement (related products/product maintenance/service/repair information) related information, comprising:

obtaining an identifier of a first part (product) with a scanner communicatively coupled to a client system; and automatically connecting by the client over a network connection to at least one remote database to retrieve, based on at least one identifier, replacement related (product related) information for the first part (product) (see col. 19, lines 1-65; col. 22, lines 5-10, Perkowski discloses that a user is allowed to enter the UPN using a scanner and a browser to enter into the product information finding system

where a user can find related product operation description, maintenance, product updates, purchase information , product specifications related products that effect the servicing or repair of the product;

receiving candidate results from the at least one remote data base (IPSI database); and processing by the expert system of the candidate results to identify one or more replacements for the first part (product) (see col. 12, Perkowski teaches that URL fields organize the various related information to the product to give the client control over the information).

Perkowski does not explicitly teach the claimed limitation of an "expert system".

Perkowski does teach that a client computer is configured to perform a search through the browser to make an IPSI search related to a UPN or UPC.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perkowski by specifying the client as expert system since the same functionality is achieved.

Perkowski fails to teach the claimed limitation of "first part". Perkowski discloses that a user is allowed to enter the UPN using a scanner and a browser to enter the product information finding system where a user can find related products, operation description, product service or maintenance, product updates, purchase information , product specifications related products that effect the servicing or repair of the product (see col. 11, lines 50-56; col. 19, lines 1-65; col. 22, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perkowski by specifying the products identified for ordering as first part replacement since the same functionality is achieved.

As to claim 26, Perkowski teaches the method of claim 25, wherein the replacement related information of the first part (product) includes replacement related information for related products suggested to be replaced along with the first part (product).

Perkowski fails to teach the claimed limitation of "second part to be replaced along with the first part". Perkowski discloses that a user is allowed to enter the UPN using a scanner and a browser to enter into the product information finding system

where a user can find related products, operation description, product service or maintenance, product updates, purchase information, product specifications related products that effect the servicing or repair of the product (see col. 11, lines 50-56; col. 19, lines 1-65; col. 22, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perkowski by specifying the related products as second part replacement data to be replaced with the first part (product) since the same functionality is achieved.

As to claim 27, Perkowski teaches the method of claim 25, further comprising displaying in a web browser a web page identifying the one or more replacements for the first part (see col. 11-12).

Claims 31-35, 41-42, 44-47, 49, 50-55, 57-58, 62-65, and 68 do not teach or define any new limitations above claims 1-2, 7-12, 18-23, 25-27 and therefore are rejected for similar reasons.

As to claim 43, Perkowski teaches the method of claim 31 above.

Perkowski fails to teach the limitation of inputting product identifier using speech recognition.

However, "Official Notice" is taken that the concept and advantages of using speech recognition for inputting information is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perkowski by using a speech recognition program to input product identifier information. One would be motivated to do so to simplify the user interface.

5. Claims 3-6, 13-17, 24, 28-30, 36-42, 48-51, 56, 59-61, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski, in view of Gottsman et al., U.S. Patent No. 6,134,548 (referred to hereafter as Gotts).

Perkowski teaches the invention substantially as claimed including a method and system for finding and serving consumer product related information over the Internet using manufacturer identification numbers (see abstract).

As to claims 3-5, Perkowski teaches the method of claim 1 above.



Perkowski fails to teach the claimed limitation wherein user preferences are retrieved and product data are arranged according to user preference wherein the user preference is a selected one of limiting price, limiting distance to travel to obtain a replacement part, limiting shipping time for the replacement part, limiting time to effect part replacement, and only displaying a vendor having the replacement part in stock.

However, Gotts teaches a system and method for mobile bargain shopping where product information is arranged and formatted and displayed according to user preferences (see summary). Gotts teaches the claimed limitation wherein user preferences are retrieved and product data are arranged according to user preference (see figs. 10B, 11; col. 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perkowski in view of Gotts so that product information is presented to the user according to user preferences. One would be motivated to do so to allow display of product related information in a familiar and convenient view to the user.

As to claim 6, Perkowski teaches the method of claim 3 above, further comprising:

identifying at least one provider within the retrieved replacement related information having a replacement part in stock; and prominently displaying the at least one provider; wherein prominently displaying includes sorting the retrieved replacement related information so that the at least one provider is at the top of such retrieved information (see col. 8-12, 17-19).

As to claim 13, Perkowski teaches the method of claim 1 above.

Perkowski does not explicitly teach the claimed limitation of determining a geographic location for the part; identifying vendors of a replacement part for the part, each vendor having a geographic location; and sorting the vendors according to their geographic proximity to the part.

However, Gotts teaches a system and method for mobile bargain shopping where product information is arranged and formatted and displayed according to user preferences (see summary). Gotts teaches determining a geographic location for the part; identifying vendors of a replacement part for the part, each vendor having a

geographic location; and sorting the vendors according to their geographic proximity to the part (see figs. 10B, 11; col. 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perkowski in view of Gotts so that product information is presented to the user according to geographical order. One would be motivated to do so to allow display of product related information in a convenient view related to distance from user.

As to claim 14-15, Perkowski teaches the method of claim 13 above.

Perkowski does not explicitly teach the claimed limitation of providing a proximity preference, such preference set to user election if such election has been made, otherwise to a predetermined value; and culling the retrieved replacement information according to the proximity preference.

However, Gotts teaches a system and method for mobile bargain shopping where product information is arranged and formatted and displayed according to user preferences (see summary). Gotts teaches providing a proximity and price preference, such preference set to user election if such election has been made, otherwise to a predetermined value; and culling the retrieved replacement information according to the proximity and price preference (see figs. 10B, 11; col. 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perkowski in view of Gotts so that product information is presented to the user according to proximity, price and geographical order. One would be motivated to do so to allow display of product related information in a convenient view related to user preferences.

Claims 16-17, 24, 28-30, 36-42, 50-51, 56, 59-61, and 66-67 do not teach or define any new limitations above claims 1-6, 13-15, and therefore are rejected for similar reasons.

**6.** Applicant's arguments filed May 21, 2003 have been fully considered but they are not persuasive.

In the remarks the applicant argues that the "dependency checking" language claimed in the claims patentably distinct over perkowski which does not teach or suggest that feature.

In response, upon further consideration of the claims and reference, the claimed "dependency checking" as best understood by the examiner is disclosed by Perkowski which reads "entering a product identifier and retrieving URL's pointing to products or services that are directed to related product operation description, maintenance, product updates, purchase information, product specifications and related products that effect the servicing or repair of the product" (see col. 11-12). The claimed limitation does not describe any patentably distinguishable functionality over the cited reference.

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**8.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157